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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/628,166
Filing Date: July 28, 2003
Appellant(s): MARTIN ET AL.

_____
Nick P. Patel
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/1/2010 appealing from the Office action

mailed 10/30/2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: 1-2, 5, 9, 13, 15, 25-26, 28-30, and 35-39.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

A substantially correct copy of appealed claims appears on page 18 of the

Appendix to the appellant's brief.

Claim 25, however, is missing language that was recited in the claims presented

for examination with the amendment filed 6/17/2009.

Therefore, claim 25 should recite:

A computer-readable medium that stores a message handler associated with a

client, the message handler comprising:

logic configured to intercept a message sent by the client and intended for a

network service;

logic configured to interject a session identifier into the message;

logic configured to transmit the message to the network service via a network;

and

logic configured to store in a database relative to the session identifier the time at

which the message was transmitted to the network service.

(8) Evidence Relied Upon

6,052,730   FELCIANO ET AL   4-2000

2004/0064503   KARAKASHIAN ET AL   4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

   obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
   the prior art are such that the subject matter as a whole would have been obvious at the time the
   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
   Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 5, 9, 13, 15, 25, 26, 28-30 and 35-39 are rejected under 35

   U.S.C. 103(a) as being unpatentable over Karakashian et al (US Pub. No.

   2004/0064503), hereafter "Karakashian," in view of Felciano et al (US Pat.

   6,052,730), hereafter "Felciano."

3.   As to claim 1, Karakashian discloses a method, the method comprising:

a client sending a request intended for a network service ([0032], lines 4-7,

web services client invokes (requests) a web service);

a message handler associated with the client intercepting the request ([0032],

lines 4-7, A protocol adapter intercepts the invoke (request));

interjecting a session identifier into the request ([0036], lines 11-12, protocol

adapter propagates message context, with requests, to web services; message

contexts include identifying data as disclosed in [0038])

the message handler storing information about the request ([0038], invocation

context (information about the request) is stored);

the message handler intercepting a response to the request from the network

service and intended for the client ([0036], lines 3-6, protocol adapter also

handles response data);

the message handler identifying the session identifier within the response

([0036], lines 3-6, a session identifier is essential in the response in order for the

protocol adapter ("message handler") to "return the data to the originator of the

request");

the message handler providing the response to the client ([0036], lines 3-6,).

But, Karakashian does not explicitly disclose a message handler storing the

time at which a request was transmitted to a network service or storing in the

database relative to the session identifier the time at which the response was received.

However, Felciano discloses a message handler storing, in a database relative to a session identifier, the times at which network messages were transmitted (column 4, lines 51-65, various information about client requests, including data and time stamps, are logged by lamprey program in a database; as the lamprey program ("message handler") logs information in order to track "individual web sessions," session identifiers are essential to such a task).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions which, for example, would allow web site designers to analyze how to improve the design of web sites and increase ease of use (Felciano, column 5, lines 1-14).

4. As to claims 25 and 29, it is rejected by a similar rationale set forth in claim 1's rejection.

5. As to claim 36, Karakashian discloses a computer-readable medium that stores a message handler associated with a network service, the message handler comprising:

logic configured to intercept a request sent to the network service from a client ([0032], lines 4-7, A protocol adapter intercepts the invoke (request));

logic configured to identify a session identifier within the request ([0036], identification of a session identifiers are essential in the request in order for the protocol adapter to "identif[y] requests as web service messages, as well as rout[e] the messages to a web services container"); and

logic configured to provide the request to the network service ([0036]).

But, Karakashian does not explicitly disclose storing the time at which a request was transmitted to a network service in a database relative to the session identifier.

However, Felciano discloses storing the time at which a request was transmitted to a network service in a database relative to the session identifier (column 4, lines 51-65, various information about client requests, including data and time stamps, are logged by lamprey program in a database; as the lamprey program logs information in order to track "individual web sessions," session identifiers are essential to such a task).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions which, for example,

would allow web site designers to analyze how to improve the design of web

sites and increase ease of use (Felciano, column 5, lines 1-14).

6. As to claim 2, Karakashian and Felciano disclose intercepting the request

comprises the message handler intercepting a request sent by a network service

acting in the capacity of a client (Karakashian, [0032], lines 4-7, web services

client invokes (calls) a web service)).

7. As to claims 5, 15, 26, 37, and 39 Karakashian and Felciano disclose message

handlers storing in the database relative to the session identifier at least one of a

name of the client, a name of a network service, a message type, and substance

of the request. (Felciano, column 4, lines 51-65; Karakashian disclose multiple

message handlers (protocol adapters), see Fig. 1).

8. As to claims 9 and 28, Karakashian and Felciano disclose interjecting at least

one of a message type (Karakashian, [0038]).

9. As to claim 13, Karakashian discloses multiple message handlers (Fig. 1, i.e.

"protocol adapters") and see the rejection of claim 1 for the functionality of the

protocol adapters with respect to the claimed message handler.

10. As to claim 30, Karakashian and Felciano disclose the message handler is a
    simple object access protocol (SOAP) message handler (Karakashian, [0025]).

11. As to claim 38, it is rejected by a similar rationale to that of claim 1's rejection.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and
addresses replies individually.

(1) The appellant argues with respect to the 35 U.S.C. 103(a) rejections of the
independent claims in view of Karakashian and Felciano, that the combination of the
references fails to render the claims obvious, as claim 1, for example, requires, "a
message handler associated with the client intercepting [a] request" that is "intended
for a network service." The appellant specifically contends there is no indication in
Karakashian that data received by the protocol adapter ("a message handler") was
actually an "interception" of data that was, in reality, "intended" for an entity other
than the adapter.

In reply to **(1),** the examiner asserts the request in Karakashian is clearly
intended for a network service as disclosed in [0032], lines 4-7: "A protocol adapter
[*message handler*] for HTTP 102 is shown in a web container 100, which can

intercept a web service invoke [*request*] via HTTP from a web services client
[*client*]."

    (2) The appellant argues with respect to the 35 U.S.C. 103(a) rejections of the
independent claims in view of Karakashian and Felciano, that the combination of the
references fails to render the claims obvious, as claim 1, for example, requires, "the
message handler interjecting a session identifier into the request." Firstly, the
appellant contends that since Karakashian's message contexts are propagated with
request signals does not inherently require or even imply any sort of message
context interjecting taking place. Secondly, the appellant asserts Karakashian does
appear to teach interjection, but the type of interjection taught is opposite to what
claim 1 requires. Specifically, the appellant alleges Karakashian teaches that the
request signals are embedded in the message contexts and not the other way
around.

    In reply to **(2)**, the examiner contends Karakashian discloses the message
handler interjecting a session identifier into the request ([0036], lines 11-12, protocol
adapter propagates message context, with requests, to web services; message
contexts include identifying data as disclosed in [0038]). Further, as discussed in
response to argument, [0032] of Karakashian discloses a web services invoke as a
whole reading upon the claimed request and a message context is a representation
of that invocation as disclosed in [0034], lines 1-2. That is, the "web service request"

of Karakashian does not necessary correspond to the claimed request, but rather

the invocation, including the request, does. Therefore, when Karakashian discloses

propagation of message context as in [0036], lines 11-12 and the protocol adapter

creating message context as in [0046], it essential that such information as disclosed

in [0038] is "interjected" into the now modified request. Naturally, the invocation or

"request" is changed after it leaves the protocol handler of Karakashian, but this is a

fundamental requirement of the claim language, i.e. the request is interjected with

more information thus making it a modified request at that point. Further,

"interjecting" does not inherently require generation of session ID which the

appellant seems to imply, meaning the claim is broad enough so as not to require

Karakashian's protocol handler to both generate *and* interject a session identifier.

   (3) The appellant argues with respect to the 35 U.S.C. 103(a) rejections of the

independent claims in view of Karakashian and Felciano, that the combination of the

references fails to render the claims obvious, as claim 1, for example, requires, "the

message handler identifying the session identifier within the response." The

appellant contends that as the examiner has stated, "a session identifier is essential

in the response in order for the protocol adapter ('message handler') to return data to

the originator of the request," the response session identifier to which the examiner

refers cannot be the same as the identifier interjected by the protocol

adapter/message handler into the request signal.

The appellant asserts the claimed "session identifier" is interjected into the request by the message handler and is included in the response. In Karakashian, the appellant contends, the session identifier is interjected by the originator of the request (not by the protocol adapter/message handler) and is included in the response. The appellant concludes, it is known that in Karakashian the originator of the request interjects the session identifier because the response would not otherwise be able to return to the originator (i.e., the protocol adapter would not know from where the request came and where the response should go).

In reply to **(3),** the examiner contends interjecting a session identifier does not necessarily require the message handler to generate the session identifier. That is, it is unclear from the appellant's logic why even if the originator of the request put in the session identifier, the protocol adapter could not interject it later on. Specifically, the claim language does not require the generation of the session identifier by the message handler. That is, as discussed in response to argument (2), Karakashian discloses interjection through conversion and propagation and thus even assuming originator generates a session ID, the logic applied by the examiner above still applicable. Therefore, the examiner maintains the message handler identifying the session identifier within the response ([0036], lines 3-6, a session identifier is essential in the response in order for the protocol adapter ("message handler") to "return the data to the originator of the request").

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas J. Dailey

/T. J. D./

Examiner, Art Unit 2452

Conferees:

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452

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